IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 1:12-cr-0085-AT-JFK

JUAN CARLOS ROJAS-LIRA, DAVID ROMERO-FLORES, and

SILVESTRE ROMERO-REYES,

Defendants.

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation as to Defendant David Romero-Flores' motion to sever his trial from that of his co-defendant Juan Carlos Rojas-Lira [Doc. 43].

Defendant Romero-Flores seeks to sever his trial from that of his codefendant Juan Carlos Rojas-Liras on the grounds that the introduction at a joint trial of a post-arrest statement made by Defendant Rojas-Liras would incriminate Defendant Romero-Flores. The Government has filed a response to Defendant Rojas-Liras' motion to sever, in which it agrees, that should this case go to trial, the Court should grant the motion to sever [Doc. 40].

The Court notes that no objections have been filed in response to the Magistrate Judge's Report and Recommendation. Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 59 of the Federal Rules of Criminal Procedure, the Court has reviewed the Magistrate Judge's Recommendation for clear error and finds none. Accordingly, the Court receives the Magistrate Judge's Report and Recommendation with approval and hereby **ADOPTS** the Report and Recommendation as the opinion of this Court. For the reasons stated in the Magistrate Judge's Report and Recommendation, the Court **GRANTS** Defendnt Romero-Flores' motion to sever [Doc. 36].

It is so **ORDERED** this build day of August, 2012.

Amy Totenberg

United States District Judge